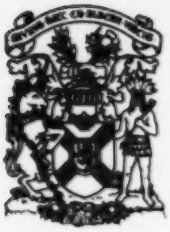

REPORT OF THE

ELECTION COMMISSION

OF

NOVA SCOTIA

1986

ELECTION COMMISSION
PROVINCE OF NOVA SCOTIA

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March 11, 1986

The Honourable Arthur R. Donahoe, Q.C.
Speaker of the House of Assembly
Province of Nova Scotia
Halifax, Nova Scotia

Dear Mr. Speaker:

I have the honour to submit the second report of the Election Commission established pursuant to Section 6A of the Elections Act.

Respectfully yours,

William A. Sutherland
Chairman

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ELECTION COMMISSION

This is the second Report filed by the Election Commission of Nova Scotia since it was established in 1981 by the enactment of Sections 6A and 6B of the Elections Act.

Subsection 6A(1) provides as follows:

> 6A (1) There shall be a commission to be known as the "Election Commission" which shall
>
> (a) consider reports of investigations by the Chief Electoral Officer or police officers concerning alleged violations of the Elections Act for the purpose of determining whether there should be prosecutions;
>
> (b) advise the Chief Electoral Officer regarding the administrative conduct of elections.

Section 6B of the Elections Act provides that the Election Commission shall be composed of a Chairman appointed by the Governor in Council, the Chief Electoral Officer, and two persons appointed by each of the leaders of a recognized party.

The first Chairman of the Election Commission was Mr. Bruce M. Nickerson, Q.C., who resigned when he was appointed as a Commissioner on the Board of Commissioners of Public Utilities for the Province of Nova Scotia. Another one of the original members, the Honourable Mr. Justice Kenneth M. Matthews, resigned upon his appointment as a Judge of the Appeal Division of the Supreme Court of Nova Scotia. In March of 1985 Mr. William A. Sutherland was appointed Chairman of the Election Commission and Mr. Barry J. Alexander was appointed to replace Mr. Justice Matthews. In addition, after the 1984 General Election, the leader of the New Democratic Party became a leader of a recognized party as defined by the House of Assembly Act and thereby became entitled to appoint two persons to be members of the Election Commission. Those persons appointed are Mr. Michael Coyle and Ms. Deborah Gass. Therefore, as of the time of filing this Report, the following persons are members of the Election Commission:

William A. Sutherland, Chairman
Donald H. Oliver, Q.C.
Barry J. Alexander
C. Peter McLellan
Arthur W. D. Pickup
Deborah Gass
Michael Coyle
D. William MacDonald, Q.C., Secretary

The Election Commission has held nine meetings from March of 1985 to the date of this report. The Commission reviewed one police report submitted to it by the Attorney General. The report related to an occurrence during the 1984

General Election and the R.C.M.P. did not recommend a prosecution in the circumstances. After reviewing all of the evidence the Commission concluded that no prosecution was warranted.

Members of the Commission also reviewed the administrative conduct of elections with particular reference to experiences during the 1984 General Election. The Chief Electoral Officer and other members of the Commission placed several matters before the Commission for review and the Commission has certain comments and recommendations regarding the matters which have been considered. The Commission's opinions are contained in this Report.

ACCESSIBILITY OF POLLING STATIONS

In 1984, voting took place at 3,000 polling stations. The Elections Act requires the establishment of at least one ordinary polling station which permits barrier free access to a disabled person in each of the fifty-two constituencies. The Act also permits a disabled person to vote by proxy. During the last election, approximately 45% of ordinary polling stations, 70% of advance polling stations and 65% of returning offices offered accessibility. Members of the Election Commission have reviewed accessibility requirements in other legislation and have received a very helpful submission from Mr. John M. Rogers, the Executive Director of the Nova Scotia Division of the Canadian Parapalegic Association. The Election Commission has concluded that changes in the legislation regarding accessibility are desirable.

Accessibility in the voting context means not merely the use of an accessible building but also accessibility from the place where a voter may park a car through to the voting compartment where the voter will mark a ballot. Accessibility requirements must relate to curbs and sidewalks in the vicinity of a polling station, to level entry or ramps at the door of a building used for polling, proper construction of ramps where required, entrance ways that offer no barriers and voting compartments that are located in places where wheelchairs or physically disabled persons can conveniently manoeuvre and mark ballots.

The headquarters of the Returning Officer during an election is an important office for the transaction of business. It is the place where the special poll is located for persons who are unable to vote at the advance poll or on ordinary polling day and it is the place where disabled persons can obtain transfer certificates if their regular polling stations are not accessible. Members of the Election Commission have concluded that each returning office should offer accessibility. Such a legal requirement might mean that a Returning Officer could no longer use his or her residence as a returning office, as some now do, and may mean that more expensive office space will have to be rented for the period of an election. The Election Commission has concluded that these changes and additional costs are justified in order that members of the public are adequately served.

There are legal requirements for advance polls in both federal and municipal elections to be accessible and there is authority for a disabled person to vote at an advance poll during those elections, whether or not he or she will

be absent on ordinary polling day. It is the opinion of the Commission that there should be a requirement for all advance poll locations to be accessible during a Provincial election, and the legislation should be amended so as to permit disabled persons to vote at the advance polls. A similar amendment should be made to permit disabled persons to vote at special polls as well.

Accessibility in respect of ordinary polling stations offers a somewhat different problem. Many ordinary polling stations are located in small communities or in rural areas throughout the Province where accessible facilities are not available. If the Act requires the use of accessible premises, it might be necessary for a large number of people to travel much greater distances in order to vote. It is hoped that in the future more and more accessible facilities will become available. Members of the Election Commission have concluded that accessibility of all ordinary polling stations is an appropriate long term objective but that it should be accomplished by administrative direction from the Chief Electoral Officer rather than by legal requirement.

The Election Commission urges the Chief Electoral Officer to adopt a policy requiring all Returning Officers to increase the overall number of accessible polling stations by a percentage, such as ten per cent, for each election. Elections do not happen that often and it will take some time before all polling stations are accessible, but such a policy would provide definite movement toward the long term objective of accessibility for all polling stations.

In the meantime, members of the Election Commission recommend that curbside voting be permitted at ordinary polling stations which are not accessible. Curbside voting would require the D.R.O. and poll clerk to take the ballot box, the ballots, the poll book and other materials to a vehicle in which a disabled person is present so as to permit that person to vote at the polling station where he or she is on the list of electors. This procedure would be very similar to the bedside voting now provided for in institutions for long term care and treatment (Section 109 of the Elections Act).

With these changes, a disabled person would have the opportunity to vote on any one of the three special poll days at the returning office, on either of the two advance poll days at the advance poll location, at the accessible poll on ordinary polling day where a transfer certificate is obtained from the Returning Officer, at the ordinary polling station in the disabled person's polling district if it is accessible, by using curbside voting procedures, or by proxy. Amendments to the Elections Act to provide for the new procedures would be a great advance for the convenience of disabled persons and can be accomplished without inconvenience to other electors. There will be some cost involved in selecting accessible locations or constructing modest ramps where they are necessary, but the cost should not be excessive.

A disabled person may also have reason to visit the office used by a Revising Officer. The Revising Officer makes changes to the lists of electors and sits at least two days for that purpose. Frequently Revising Officers will sit at their own business premises where they can do other work if there is not a heavy demand for their services. In cases where the premises used by a Revising Officer are not accessible, the members of the Election Commission recommend

that a disabled person should be permitted to telephone the Revising Officer and arrange for the Revising Officer to meet that person at a convenient time and place, such as at a car immediately outside the premises. In addition, the advertising respecting revising should mention this procedure.

Recommendations

1. The Elections Act should be amended to require the offices of the Returning Officers to be accessible.

2. The Elections Act should be amended to require all advance polls to be accessible.

3. The Elections Act should be amended to permit curbside voting at ordinary polling stations which are not accessible.

4. The Elections Act should be amended to permit a person with a disablity to vote at a special poll or an advance poll whether or not that person will be absent from his or her polling division on ordinary polling day.

5. Administrative action should be taken by the Chief Electoral Officer to encourage the selection of accessible locations for ordinary polling stations but no legal requirement to do so should be placed in the Elections Act.

6. Administrative action should be taken by the Chief Electoral Officer to ensure that Revising Officers who are sitting in premises which are not accessible leave their offices and come to the street or other convenient place nearby to deal with a disabled person.

LISTS OF ELECTORS

Section 40 of the Elections Act requires a printed list of electors for each polling division (about 350 persons) to be mailed to each household in that polling division where an elector resides. In urban areas, lists of electors are prepared geographically according to the street address and it is therefore possible to determine from the lists of electors whether a person is living alone or with others. The lists also show whether an elector is a male or a female. Concern has been expressed by persons who live alone that they could become victims of criminal offences if their circumstances are known.

Single women frequently use their initials for telephone listings and in entrance ways of apartment buildings so that their sex will not be obvious. The requirement for a male or female designation on a list of electors means that such an approach in respect of an election list is of no value.

The Canada Elections Act has been amended to eliminate the circulation of lists of electors among voters and to provide instead for a card to be mailed to each voter. The card confirms that the name of the voter is on the list and

discloses the time and location of the revisal sittings, the special poll, the advance poll, and the ordinary poll.

Mailing cards to electors instead of lists of electors will provide all voters with the information which they should have and will eliminate circulation of lists of electors which may be used for purposes unrelated to the election. On the other hand, candidates should still be provided with lists of electors for the purpose of sending material or canvassing, and the lists will be necessary for use at polling stations.

At the present time, lists of electors are mailed to every household where electors reside. This means about 400,000 letters are mailed during a general election. If cards are mailed to every elector instead of every household, another 200,000 pieces of mail would require postage. The additional cost would be substantial. Therefore, members of the Commission recommend that one card be sent to each household showing the names of all electors who reside there.

Recommendations

7. The Elections Act should be amended to remove the requirement for sending a list of electors to every household in which an elector resides and to substitute a requirement for a card to be mailed to every household confirming the names of the electors living there who are shown on the list, and containing the same information about the election which is now contained on the list of electors.

8. Provisions of the Elections Act which require the sex of the elector to be shown on the list of electors should be repealed.

DISQUALIFICATION OF ELECTORS

The Elections Act provides that certain people, who would otherwise be qualified to vote, are not entitled to be registered as electors. Section 26 provides:

> 26 The following persons shall not be entitled to be registered as electors,
>
> (a) the Chief Electoral Officer;
>
> (b) a returning officer;
>
> (c) a judge of the Supreme or County Courts;
>
> (d) a person undergoing punishment in a penal or reform institution; or
>
> (e) a person who is legally restrained of his liberty of movement or deprived of the management of his property by reason of mental illness.

Concern has been expressed that these disqualifications are contrary to Section 3 of the Canadian Charter of Rights and Freedoms which provides:

> 3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

These disqualifications may not be "reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" which would preserve the disqualifications in accordance with Section 1 of the Charter.

The strongest opposition expressed to the present provisions relates to the disqualification based on mental illness. It is said that the disqualification respecting liberty of movement or management of property does not relate at all to the capacity of a mentally disabled person to understand the voting process and to make a conscious choice. A disqualification based on mental disability no longer appears in the legislation of a few other provinces.

Judges of the Supreme Court and the County Courts are disqualified from voting. Supreme Court Judges have the jurisdiction to hear an application to set an election aside under the Controverted Elections Act. County Court Judges conduct recounts. Therefore, it is possible for any of those judges to become involved in a court matter relating to the election after the voting has taken place. The disqualification of judges may help assure impartiality because they will not have participated in the choice among political parties contesting an election, and the disqualification may also serve to emphasize the separation of the judicial and legislative functions of government. However, in the opinion of the Commission neither of these reasons is sufficient to prohibit judges from voting. Instead, judges should have the option to vote or not to vote as do all other citizens. Individual judges can then decide whether, in their circumstances, it is appropriate for them to do so.

Likewise, the Chief Electoral Officer and Returning Officers are disqualified from voting. Obviously, it is crucial for election officers to be impartial in the conduct of their duties. It is the opinion of the Commission that the expression of a choice during a democratic voting process would not, in itself, demonstrate that an individual could not be impartial. As with the judges, it should be up to the individuals to decide whether it is appropriate for them to vote.

If Returning Officers are permitted to vote, the Commission recommends that they should only be entitled to do so on one occasion. At the present time, the Returning Officer is permitted to vote in order to resolve an equality of votes after a recount. The Commission recommends that this provision should be amended so that an equality of votes after a recount would be resolved by drawing names out of a ballot box or some similar method where no individual choice is made.

Election procedures have been changed in other provinces to permit prisoners to vote. In some cases, prisoners are permitted to vote only if they are in jail pending trial because they have been denied bail. In at least one other

case, prisoners are permitted to vote where they are serving sentences after conviction. Prisoner voting is facilitated in these cases by authorizing proxy voting or by establishing polling stations in the institutions.

During the provincial election in Quebec which was held on December 2, 1985, an inmate at the Leclerc Institution, a federal penitentiary in Laval, successfully applied to the Federal Court of Canada for an order directing the Solicitor General of Canada to provide the Chief Electoral Officer of Quebec with a list of names of inmates in the institution who wish to vote and to permit a polling booth to be set up so that inmates could exercise their right to vote during the election at the institution. (Jean-Louis Levesque v. Attorney General of Canada and others, Federal Court of Canada, Trial Division, T-2354-85)

Although the proposition has yet to be decided by the Supreme Court of Canada, trial courts have determined that the Canadian Charter of Rights and Freedoms guarantees the right of a prisoner to vote. The Commission therefore recommends that provision for prisoner voting should be made in the Elections Act.

The preparation of a list of electors for a specific institution, which must be given some circulation to candidates and their supporters, may create security problems for an institution and the inmates, and may also disclose publicly information which inmates would prefer not to be disclosed. Polling stations within the institutions, where election officers and scrutineers for candidates would have to be present, might also pose some security problems for the institution. It may also be unfair for a large number of inmates, numbering about 400 in Springhill for example, to be added to the list of voters in a particular constituency.

All of these concerns can be avoided if the inmates are permitted to vote by proxy in the place where they ordinarily reside. For this purpose, an inmate's intention to return to a particular community after release should be stated in the Elections Act to be a sufficient intention to return to meet the ordinary residence test.

There is not a great deal of time to arrange proxy voting during a Provincial election. Therefore, the Chief Electoral Officer should provide application forms and instructions to the wardens or other persons in charge of institutions so that they can advise the inmates regarding the proxy voting procedure as soon as possible after an election has been announced.

It is the opinion of the Commission that the right to vote guaranteed by the Charter should be recognized and, therefore, the disqualifications set out in Section 26 of the Elections Act should be removed by the repeal of that Section.

Recommendations

9. Section 26 of the Elections Act, which disqualifies certain Canadian citizens from voting, should be repealed.

10. The Elections Act should be amended to remove the right of the Returning Officer to vote where there is a tie after a recount and to provide, instead, that a tie is settled by the drawing of one name from among the names of all candidates in that constituency.

11. The Elections Act should be amended to define the expression "ordinarily resident" as it will apply to inmates in penal institutions.

12. The Elections Act should be amended to permit inmates in penal institutions, whether on remand or serving sentences, to vote by proxy.

ISSUING PROXY PAPERS

Section 93 of the Elections Act permits certain electors to vote by proxy. Section 94 provides that either the elector or the proxy voter must appear in person before the Returning Officer and, if the Returning Officer is satisfied that the documentation is in order, the Returning Officer issues the proxy paper to either the elector or the proxy voter.

These provisions require either the elector or the person who will exercise the proxy to appear in person before the Returning Officer in order to obtain the proxy paper. It is the opinion of the Commission that the requirement to appear in person before the Returning Officer imposes an unnecessary obligation upon the elector and the proxy voter and in many cases may impose an undue hardship upon either or both of the elector or the proxy voter.

For example, under Section 93 electors entitled to vote by proxy include:

(a) fishermen or mariners;

(b) patients in hospitals;

(c) military personnel;

(d) unmarried full-time students;

(e) nursing home residents; and

(f) disabled persons.

Clearly many persons who fall into the categories listed above are unable to attend in person before a Returning Officer and in many other cases it may be impracticable or inconvenient for the proxy voter to appear in person as where the proxy voter has other commitments or travel is involved. In the result, although the law permits certain electors to vote by proxy, for all practical purposes they may lose their right to vote because of the requirement to appear in person. It is the opinion of the Commission that adequate safeguards against abusive proxy voting may still be maintained without the personal appearance requirement, provided properly sworn documentation is placed before the Returning Officer.

Recommendation

13. The Elections Act should be amended to remove the requirement that either the elector or proxy voter appear in person before the Returning Officer to obtain the proxy paper and to substitute a provision to allow for the delivery of the proxy paper to any person so long as properly sworn documentation appointing the proxy voter is in the hands of the Returning Officer.

PROXY VOTING BY MARRIED STUDENTS

Section 93(d) of the Elections Act provides that "an unmarried full time student at an educational institution" may vote by proxy. No similar opportunity is available to married students.

In today's society it is becoming more common for individuals to change occupations and, therefore, more married persons are attending educational institutions. Often the spouses of married students remain in the family home some considerable distance away from the educational institution. The Chief Electoral Officer advises that several complaints were received during the 1984 election from married students who were not permitted to vote by proxy. For example, one student was attending Holland College in Prince Edward Island while his wife and children continued to reside at their family home in Cape Breton.

It is the opinion of the Commission that unmarried and married students should be treated equally and both should be permitted to vote by proxy when otherwise qualified.

Recommendation

14. Clause 93(d) of the Elections Act should be amended to permit all full-time students, whether unmarried or married, to vote by proxy if they are otherwise qualified to do so.

PROXY VOTING - REVIEW OF 1983 RECOMMENDATIONS

In its 1983 Report, the Commission made certain recommendations respecting two other problems with proxy voting other than the problems referred to above. Section 94(1) of the Elections Act permits a child, grandchild, brother, sister, parent, grandparent, husband or wife of an elector, who is in a home for the aged approved, or a nursing home licensed, under the Homes for Special Care Act, to act as proxy voter for the elector in the home. Both the elector and the proxy voter must reside in the same polling division. This means that very often family members of an elector are ineligible to vote on the elector's behalf because they do not reside in the same polling division as the elector. It is the opinion of the Commission that family members of an elector should be permitted to vote by proxy for an elector regardless of what polling division they reside in as long as they fulfill all other requirements to enable them to vote in Nova Scotia.

The second problem raised in the 1983 Report relates to voting by persons employed on offshore oil rigs. Complaints were received by the Chief Electoral Officer from certain employees engaged in offshore development. Many such employees work two or three week shifts at a time and therefore cannot vote on election day due to their employment duties. Under the Elections Act only fishermen or mariners serving on a vessel registered in Canada or the British Commonwealth can vote by proxy. Because many offshore vessels and drilling rigs are not registered in Canada or the British Commonwealth, employees serving on such vessels cannot vote by proxy and thus in many cases lose their entitlement to vote.

Recommendations

15. A family member of an elector should be permitted to vote by proxy for the elector whether or not the family member and the elector are on the same list of electors so long as the family member is otherwise entitled to vote in the Province.

16. Section 93(a) of the Elections Act should be amended to permit an elector, otherwise qualified to vote in the Province, to vote by proxy if he or she is employed in any capacity on a vessel, drilling rig or platform operating in the offshore area regardless of the registration of that vessel, drilling rig or platform.

IDENTIFICATION BADGES AT POLLING STATIONS

Section 178 of the Elections Act, among other things, prohibits any person on election day from wearing any flag, ribbon, emblem or badge which would designate the wearer as a supporter of a particular candidate or political organization. It is the opinion of the Commission that it is desirable to have those persons who work at polling stations on election day identified by uniform badges which would indicate the function of those persons, particularly for the benefit of the electors attending at the polling station. For example a badge could be issued by the Chief Electoral Officer to the Deputy Returning Officer and Poll Clerk indicating their function as well as to each of the inside and outside agents for each candidate, indicating their functions. Only badges issued by the Chief Electoral Officer should be used in order to assure uniform appearance.

The Canada Elections Act has been recently amended providing for the wearing of such badges by candidate's agents. Section 50(4.1) of that Act provides that

> ... where a person is an agent of a candidate, that person may in a polling station display on his person, in such form as the Chief Electoral Officer may prescribe, a badge identifying his function, the name of the party that his candidate represents, or if the candidate he represents is without party affiliation, the independent status of that candidate.

It is the opinion of the Commission that the above noted provision of the Canada Elections Act should be adopted and that this provision be extended to include Deputy Returning Officers, Poll Clerks and other election officers as well as candidates and official agents of candidates. The clear advantage of this would be to provide uniform badges to be worn at polling stations so that electors attending at the polling station would know the role of each of the persons working at that polling station.

Recommendation

17. The Elections Act should be amended to permit those persons who may be present at a polling station on election day to wear identification badges provided by the Chief Electoral Officer.

REMOVAL OF BRITISH SUBJECT QUALIFICATION

Section 25(1)(b) of the Elections Act provides as follows:

> 25 (1) Subject to Section 26, a person may have his name registered on the list of electors for a polling division, if he ...
>
> (b) is a Canadian citizen or other British subject on or before ordinary polling day;

The British Nationality Act 1981, passed by the British Parliament, removed references to British subjects and provided that citizens of designated countries, including Canada, would have the status of "Commonwealth citizens". This legislation has changed not only terminology but also status. It represents a recognition of the independent existence of Commonwealth countries.

In Canadian legislation, the expression "British subject" used to be defined by reference to a list of countries in a schedule in the Canadian Citizenship Act, R.S.C. 1970, c. C-19. That Act was repealed and replaced in 1976 and a reference to citizens of a Commonwealth country was substituted for the expression "British subject".

The Canada Elections Act was amended to remove the right of British subjects to vote, effective in 1975. The amendment provided a five year period (1970-1975) for persons to apply for Canadian citizenship. Thus, if a British subject was eligible to vote in a federal election before 1970 and continued to reside in Canada, that person was given an opportunity to become a Canadian citizen.

The Nova Scotia legislation does not define the expression "British subject". In the historical context, it must now mean a citizen of a Commonwealth country. However, it is the opinion of the Commission that Nova Scotia should modernize its legislation to take into account the changes in legislation of other jurisdictions and resulting changes in the status of British subjects.

It is the opinion of the Commission that the reference to British subject should be removed. The Commission believes that in today's society only Canadian citizens should be permitted to vote.

Recommendation

18. Section 25(1)(b) of the Elections Act should be amended to remove the entitlement of British subjects who are not Canadian citizens to vote.

APPOINTMENT OF REVISING AGENTS

The Elections Act authorizes a Returning Officer to appoint revising agents to conduct an enumeration where a substantial number of electors were omitted during the first enumeration. Subsection 41(1) authorizes the Returning Officer to make the appointments where the Returning Officer "is aware that the name and particulars" have been omitted. In the opinion of the Commission, it should not be necessary for the Returning Officer to know names and particulars before appointing revising agents. That is the information the revising agents will gather. A possible ambiguity in subsection 41(1) could be removed by striking the words "the name and particulars of". If this change is made, the concluding words of subsection 41(1) will have to be amended to conform to the beginning.

Recommendation

19. Subsection 41(1) of the Elections Act should be amended to make it clear that a Returning Officer's authority to appoint revising agents arises when the Returning Officer becomes aware that a substantial number of electors have been omitted from a list of electors or incorrectly described on the list even though the Returning Officer may not have knowledge of the actual names of those electors.

RESIDENCE QUALIFICATIONS FOR ELECTORS

Section 25 of the Elections Act provides that in order for a person to be qualified to vote in a Provincial election, that person must have been "ordinarily resident" in Nova Scotia "for the six months immediately preceding the date of the writ".

This residence qualification is a restriction on the right of every citizen of Canada to vote in an election of a legislative assembly, as guaranteed by Section 3 of the Canadian Charter of Rights and Freedoms. In Hedstrom v. Yukon, [1985] 6 W.W.R. 690, Maddison, J. of the Yukon Territories Supreme Court held that a twelve month residence qualification in the Yukon Elections Act was not valid because it violated Section 3 of the Charter and is not a reasonable limit which "can be demonstrably justified in a free and democratic society" (Charter, Section 1).

The Hedstrom case is under appeal and this issue may eventually be settled by the Supreme Court of Canada. In the meantime, alternatives should be considered. A residence qualification which is based on the practical process of preparing lists of electors would, it is submitted, be justified. In order to prevent casual movement to a constituency for the purpose of voting there, a qualification based on residence at the time a writ is issued may be justified. What the Hedstrom case suggests is that there is no need to reside in an area long enough to become familiar with local issues.

The Commission does not recommend immediate action on this issue. We should first hear from the higher courts. If no change is made in the Elections Act and shortly before an election the residence qualification (6 months) is found to be unconstitutional, the Act permits qualified electors to be sworn in on ordinary polling day and so a convenient remedy is already available.

ACCESS TO RESIDENTIAL FACILITIES OF CANADIAN ARMED FORCES

Section 19.44(1) of the Queen's Regulations and Orders of the Canadian Armed Forces provides:

> **19.44-POLITICAL ACTIVITIES AND CANDIDATURE FOR OFFICE**
> (1) No officer in command of a base or other unit or element shall:
>
> (a) allow a political meeting to be held or a political speech to be delivered at his base or other unit or element; or
>
> (b) allow a candidate in a federal, provincial or municipal election or a political agent or canvasser to visit his base or other unit or element for the purpose of carrying on political activities unless authorized by or under the Canada Elections Act or by service instructions or orders.

Canadian Forces Publication 237, respecting Federal, Provincial and Territorial Elections, says the above prohibition applies to married quarters

> ...whether or not the married quarters are within the confines of the defence establishment since all married quarters, even though separated from the defence establishment by some distance, form part of the establishment for which the commanding officer is responsible.

The members of the Election Commission question the need to bar candidates and their supporters from married quarters which are removed from facilities where security must be preserved for military reasons. Personal contact between candidates and electors is an important means by which one can communicate with the other. In this way electors can make more informed decisions.

The Commission recommends reconsideration of the regulations and orders by the Minister of National Defence and the Canadian Armed Forces.

Halifax, Nova Scotia
February 25, 1986